

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

115-9-13401

IN THE MATTER OF:

**MIGUEL A MARZAN BONILLA  
MAYRA B DIAZ LAUREANO**

DEBTORS

CASE NO. 10-06173 ESL

CHAPTER 13

**MOTION REQUESTING DISMISSAL**

TO THIS HONORABLE COURT:

COMES NOW creditor BANCO BILBAO VIZCAYA ARGENTARIA (BBVA), represented by the undersigned attorneys and very respectfully states and prays:

1. On July 10<sup>th</sup>, 2010, debtors filed the instant petition for relief under Chapter 13.

2. Appearing creditor respectfully requests from this Honorable Court to enter an Order dismissing the instant case based on the following grounds:

a. BBVA is holder in due course of a duly recorded money purchase security agreement with security interest (contract number 9611596648) at the Motor Vehicles and Trailers Registry of the Department of Transportation and Public Works of the Commonwealth of Puerto Rico, which encumbers a 2006, Suzuki VZR automobile, engine number JS2VY53A962101559, registered in the name MIGUEL A MARZAN BONILLA. (See Exhibit "A").

b. As of May 9<sup>th</sup>, 2011, debtors have outstanding three (3) installments owed to BBVA (from the months of February to April, 2011), in the total sum of \$1,074.28, including \$471.02 of accrued late payment charges.

c. As of May 9<sup>th</sup>, 2011, debtors have outstanding balance in the total sum of \$2,401.09, including accrued late payment charges.

d. Section 1307(c)(1) of the Bankruptcy Code [11 USC §1307(c)(1)] states as follows:

"(c) Except as provided in subsection (e) of this section, on request of a party in interest or the United States trustee and after notice and a hearing, the court may convert a case under this chapter to a case under chapter 7 of this title, or may dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause, including--

(1) unreasonable delay by the debtor that is prejudicial to creditors;

e. Debtors have failed to comply with the terms of the contract above described. They have failed to keep the current monthly installments with BBVA while the BBVA's collateral continue to depreciate with time and use without appearing creditor receiving any payment or consideration thereof. Under such circumstances, it is respectfully requested from this Honorable Court to enter an Order dismissing the instant case.

3. Debtors are not members of the U.S. Armed Forces, the Coast Guard, the Public Health Services or the National Oceanic and Atmospheric Administration, as evidenced by the Certificate issued by the U.S. Department of Defense, copy which is attached only to the original of this motion and movant's copy.

4. Pursuant to Local Bankruptcy Rule 9031-1 (h) (1) and (2) (H), it is respectfully requested from this Honorable Court

that, should debtor fails to file a response to the instant motion within thirty (30) days from notice of the same to immediately cure the arrears owed to BBVA and provide an insurance coverage over its collateral, an Order may be entered dismissing the instant case without the need of a hearing.

**WHEREFORE**, it is respectfully requested from this Honorable Court to grant this Motion and to enter an Order dismissing the instant case.

**I HEREBY CERTIFY:** On this same date I electronically filed the foregoing document with the clerk of the Court using the CM/ECF System which will sent notification of such filing to the following: Chapter 13 Trustee, **ALEJANDRO OLIVERAS RIVERA** and by ordinary mail to debtor(s); Attorney for Debtor(s), **JUAN O CALDERON LITHGOW, ESQ.**; and to all creditors and parties in interest appearing in the attached Master Address List.

**RESPECTFULLY SUBMITTED,**

In San Juan, Puerto Rico, this 11 day May, 2011.

  
s/ Angel M. Vázquez Bauzá  
Angel M Vázquez Bauzá, Esq.  
Bar Number: 203308  
ENR & Associates  
PO Box 191017  
San Juan, PR 00917-1017  
Tel. 754-1313  
Fax. 754-1354  
e-mail: avazquez@enrassociates.com





ESTADO LIBRE ASOCIADO DE PUERTO RICO  
DEPARTAMENTO DE TRANSPORTES Y AUTOMOVILES  
DIRECTORIO DE SERVICIOS AL CONDUCTOR  
**CERTIFICADO DE TITULO**

06 JUN 2006 107-41-57	0387-07-36-4353-0400000000					
NUMERO DE TITULO	FECHA EXPEDICION	NUMERO DE REGISTRO	FECHA REGISTRO			
A-3820841	03/14/2006	6756236	31 MAR 2006			
NUMERO DE SERIE (VIN)	MARCA	MODELO	AÑO			
JSLVY53A962101559	HONDA	motorcycle	2005			
CAP CARGA	PESO	USADO	TITULO ANTERIOR	ESTADO	ONOMETRO	COLOR
2#	0#	INTEV	CERT. 012	CA	10	blanco

NOMBRE Y DIRECCION DEL DUEÑO REGISTRAL

Nombre: MARZAN BONILLA MIGUEL A  
Resid: URB VILLA RICA  
AN 31 CALLE EVANS  
BAYAMON PR 00959

Este es su  
TITULO DE PROPIEDAD  
CONSERVELO EN  
SITO SEGURO

Postal: URB VILLA RICA  
AN 31 CALLE EVANS  
GRAVAMENES BAYAMON PR 00959

PRIMER GRAVAMEN (VENTA CONDICIONAL) FECHA  
BBVA 31 MAR 2006

SEGUNDO GRAVAMEN (OTROS)

**CANCELACION GRAVAMEN**

EL (LOS) ABJO FIRMANTE (S) TENEDOR (ES) DEL GRAVAMEN SOBRE EL VEHICULO DE MOTOR DESCrito ARRIBA, CERTIFICAMOS QUE EL MISMO HA SIDO PAGADO (S) MAS DE UN GRAVAMEN DEBERAN APARECER DOS (2) FIRMAS).

PRIMER GRAVAMEN

SEGUNDO GRAVAMEN

FECHA FIRMA AUTORIZADA

FECHA FIRMA AUTORIZADA

FECHA FIRMA AUTORIZADA

NUMERO CONTROL

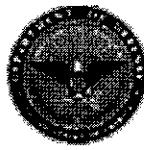
A-6966901

SECRETARIO UTOP  
O REPRESENTANTE AUTORIZADO

NO ES VALIDO SI SE ALTERA O

Department of Defense Manpower Data Center

May-11-2011 06:07:05



Military Status Report  
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
MARZAN BONILLA	MIGUEL A		Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

***More information on "Active Duty Status"***

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

***Coverage Under the SCRA is Broader in Some Cases***

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

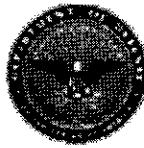
Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

**WARNING:** This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID:H58C0ABDB9

Department of Defense Manpower Data Center

May-11-2011 10:21:02



Military Status Report  
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
DIAZ LAUREANO	MAYRA S		Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

***More information on "Active Duty Status"***

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

***Coverage Under the SCRA is Broader in Some Cases***

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

**WARNING:** This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID:AOIS5MDL4O

Label Matrix for local noticing

0104-3

Case 10-06173-ESL13

District of Puerto Rico

Old San Juan

Wed May 11 13:21:45 AST 2011

BANCO SANTANDER PR

PO BOX 362589

SAN JUAN, PR 00936-2589

COOP A/C CIALES

APARTADO 1438

CIALES, PR 00638-1438

BANCO POPULAR PR

MIGDALIA EFFIE GUASP ESQ

PO BOX 362708

SAN JUAN, PR 00936-2708

ECAST SETTLEMENT CORP

PO BOX 29262

NEW YORK, NY 10087-9262

FIRSTBANK PUERTO RICO

MELENDEZ PEREZ, DE DIEGO & JIMENEZ

PO BOX 19328

SAN JUAN, PR 00910 1328

POPULAR AUTO

EDGAR A VEGA RIVERA ESQ

PO BOX 366818

SAN JUAN, PR 00936-6818

PRA RECEIVABLE MANAGEMENT LLC

POB 41067

NORFOLK, VA 23541-1067

ADVANCED COLLECTION SERVICES, INC.

PO BOX 364607

SAN JUAN, PR 00936-4607

AMERICAN EXPRESS

PO BOX 1270

NEWARK, NJ 07101-1270

AMERICAN EXPRESS

PO BOX 29-7879

FORT LAUDERDALE, FL 33329-7879

AMERICAN EXPRESS

c/o BECKETT AND LEE LLP

PO BOX 3001

MALVERN, PA 19355-0701

AMERICAN EXPRESS

c/o BECKETT AND LEE LLP

PO BOX 3001

MALVERN, PA 19355-0701

AMERICAN EXPRESS

c/o BECKETT & LEE

PO BOX 3001

MALVERN, PA 19355-0701

ASOCIACION DE PROPIETARIOS URB

VISTAS DEL OCEANO INC

PO BOX 4069

BAYAMON PR 00958 1069

AT&T MOBILITY

P.O. BOX 15067

SAN JUAN, PR 00902-8567

American Express TRS Co Inc Latin American

Division

c/o Becket and Lee LLP

POB 3001

Malvern PA 19355-0701

American Infosource Lp As Agent for

T Mobile/T-Mobile USA Inc

PO Box 248848

Oklahoma City, OK 73124-8848

BANCO BILBAO VIZCAYA

PO BOX 364745

SAN JUAN, PR 00936-4745

BANCO DE DESARROLLO

PO BOX 2134

SAN JUAN, PR 00922-2134

BANCO POPULAR

PO BOX 713575

SAN JUAN, PR 00936-7077

BANCO POPULAR DE PUERTO RICO

AS PURCHASING AGENT

CONSUMER BANKRUPTCY UNIT

PO BOX 1450

MAYAGUEZ PR 00681-1450

BANCO POPULAR DE PUERTO RICO

BANKRUPTCY DEPARTMENT

PO BOX 366818

SAN JUAN PR 00936-6818

BANCO POPULAR DE PUERTO RICO - SPECIAL LOANS

AS PURCHASER OF WB ASSET'S

PO BOX 362708

SAN JUAN PR 00936-2708

BANCO SANTANDER

PO BOX 191080

SAN JUAN, PR 00919-1080

BANK OF AMERICA

PO BOX 17054

WILMINGTON, DE 19850-7054

Banco Santander PR

c/o Ramos & Bague Law Office

PO BOX 306

Caguas PR 00726-0306

CHASE MANHATTAN BANK

PO BOX 15548

WILMINGTON, DE 19886-5548

CICA COLLECTION  
PO BOX 12338  
SAN JUAN, PR 00914-0338

CINGULAR WIRELESS  
PO BOX 192830  
SAN JUAN, PR 00919-2830

CITIBANK INTERNATIONAL  
PO BOX 8005  
S HACKENSACK, NJ 07606

CITIFINANCIAL  
P.O. BOX 71328  
SAN JUAN, PR 00936-8428

COLLECTION ADVISEMENT  
PO BOX 195162  
SAN JUAN, PR 00919-5162

(p)AMERICAN GENERAL  
P O BOX 3251  
EVANSVILLE IN 47731-3251

COOP A/C DE CIALES  
PO BOX 1438  
CIALES, PR 00638-1438

COOP A/C JESUS OBRERO  
PMB 159 HC-01 BOX 29030  
CAGUAS, PR 00725-8900

CRIM  
LEGAL COUNSEL OFFICE  
PO BOX 195387  
SAN JUAN PR 00919-5387

Citibank Usa  
Attn.: Centralized Bankruptcy  
Po Box 20363  
Kansas City, MO 64195-0363

DEPTO. DE HACIENDA  
SECC CERTIFICACION  
BOX 4515, OFIC 405  
SAN JUAN, PR 00936

DORAL BANK  
PO BOX 195162  
SAN JUAN, PR 00919-5162

Department Stores National Bank/Macys  
Bankruptcy Processing  
PO Box 8053  
Mason, OH 45040-8053

Department of Treasury  
Bankruptcy Section (Suite 1504)  
235 Ave. Arterial Hostos  
San Juan Puerto Rico 00918-1451

FIA CARD SERVICES  
PO BOX 26012  
GREENSBORO, NC 27420-6012

FIRST BANK  
PO BOX 13817  
SAN JUAN, PR 00908-3800

FIRST BANK  
PO BOX 15019  
WILMINGTON, DE 19886-5019

FIRST REVENUE ASSUR  
PO BOX 5818  
DENVER, CO 80217-5818

FIRSTBANK OF PUERTO RICO  
BANKRUPTCY DIVISION  
P.O. BOX 9146  
SAN JUAN, P.R. 00908-0146

Fia Card Services, NA As Successor In Inter  
Bank of America NA and Mbna America Bank  
1000 Samoset Drive  
DE5-023-03-03  
Newark, DE 19713-6000

GC SERVICES  
PO BOX 47455  
JACKSONVILLE, FL 32247-7455

GE Money Bank  
c/o Recovery Management Systems Corporat  
25 SE 2nd Ave Suite 1120  
Miami FL 33131-1605

GEMB / Old Navy  
Attention: Bankruptcy  
Po Box 103104  
Roswell, GA 30076-9104

HOME DEPOT  
PROCESSING CENTER  
PO BOX 9101  
DES MOINES, IA 50306-9101

INTERNAL REVENUE SERVICE  
SPECIAL PROCEDURE RM 912  
MERC. PLAZA BLDG 27 1/2  
SAN JUAN, PR 00918

JOSE CANDELARIO LAJARA  
COND VICK CENTER OFIC 407D  
867 AVE MUÑOZ RIVERA  
SAN JUAN, PR 00925-2102

LCDR KRISTINA VIVONI  
PO BOX 2134  
SAN JUAN, PR 00922-2134

LCDA SALLY D DELGADO  
PO BOX 367054  
SAN JUAN, PR 00936-7054

MACYS/FDSB  
MACY'S BANKRUPTCY  
PO BOX 8053  
MASON, OH 45040-8053

NATIONWIDE COLLECTION  
PO BOX 26314  
LEHIGH VALLEY, PA 18002-6314

POPULAR AUTO  
PO BOX 15011  
SAN JUAN, PR 00902-8511

POPULAR AUTO (POPULAR LEASING)  
BANKRUPTCY DEPARTMENT  
PO BOX 366818  
SAN JUAN PUERTO RICO 00936-6818

(p) PORTFOLIO RECOVERY ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067

PR ACQUISITIONS LLC  
250 MUNOZ RIVERA AVENUE SUITE 1200  
HATO REY PR 00918-1814

PRA Receivables Management LLC  
As Agent Of Portfolio Recovery Assocs  
PO Box 12914  
Norfolk VA 23541-0914

PREFERRED HOME SERV  
PO BOX 4069  
BAYAMON PR 00958-1069

PREPA  
P.O.BOX 363508  
SAN JUAN, PR 00936-3508

PRTC  
PO BOX 71401  
SAN JUAN, PR 00936-8501

RONCOLI, BAERGA & ASSOC  
PO BOX 33894  
SAN JUAN, PR 00936-3894

Roundup Funding, LLC  
MS 550  
PO Box 91121  
Seattle, WA 98111-9221

SAMS CLUB  
Att: BANKRUPTCY DEPARTMENT  
PO BOX 105968  
ATLANTA, GA 30348-5968

SANTANDER  
PO BOX 362589  
SAN JUAN, PR 00936-2589

SHELL COMPANY (PR) LIMITED  
BAYAMON, PR 00956

T MOBILE  
PO BOX 660252  
DALLAS, TX 75266-0252

UNIVERSAL FIDELITY LP  
PO BOX 941911  
HOUSTON, TX 77094-8911

WESTERNBANK  
PO BOX 1180  
MAYAGUEZ PR 00681 1180

ALEJANDRO OLIVERAS RIVERA  
ALEJANDRO OLIVERAS, CHAPTER 13 TRUS  
PO BOX 9024062  
SAN JUAN, PR 00902-4062

JUAN O CALDERON LITHGOW  
JUAN O CALDERON LITHGOW LEGAL OFFIC  
PO BOX 1710  
VEGA BAJA, PR 00694-1710

MAYRA BELEN DIAZ LAUREANO  
VILLA RICA  
CALLE EVANS AN 31  
BAYAMON, PR 00959-4911

MIGUEL ANGEL MARZAN BONILLA  
VILLA RICA  
CALLE EVANS AN 31  
BAYAMON, PR 00959-4911

MONSITA LECAROZ ARIBAS  
OFFICE OF THE US TRUSTEE (UST)  
OCHOA BUILDING  
500 TANCA STREET SUITE 301  
SAN JUAN, PR 00901-1938

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

COMMOLOCO  
PO BOX 41012  
MINILLAS STATION  
SAN JUAN, PR 00940

PORTFOLIO RC  
Attn: BANKRUPTCY  
PO BOX 41067  
NORFOLK, VA 23541

(d) Portfolio Recovery Associates, LLC  
P.O. Box 41067  
Norfolk, VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.